

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

GREENMART OF NEVADA NLV LLC,  
a Nevada limited liability company; and  
NEVADA ORGANIC REMEDIES, LLC,

Appellants/Cross-Respondents,

vs.

MM DEVELOPMENT COMPANY,  
INC., A NEVADA CORPORATION,  
INC., and LIVFREE WELLNESS LLC,  
dba THE DISPENSARY, a NEVADA  
LIMITED LIABILITY COMPANY,

Respondents/Cross-Appellants,

and

THE STATE OF NEVADA  
DEPARTMENT OF TAXATION,

Respondent.

Electronically Filed  
May 04 2020 12:04 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

SUPREME COURT CASE  
NO: 79670

DISTRICT COURT CASE  
NO.: A-18-785818-W

**RESPONSE OF NEVADA ORGANIC REMEDIES, LLC  
TO ORDER TO SHOW CAUSE**

On April 3, 2020, this Court issued a second Order to Show Cause as to the Court's jurisdiction in Docket Nos. 79670, 79671, 79672, and 79673. The Court directed appellants to show cause as to this Court's jurisdiction over these appeals. NOR is only a party to the appeal in Docket No. 79670, and its response to the Order to Show Cause applies only to that case.

The subject of all of the appeals mentioned in the Order to Show Cause (as well as the appeals in Docket Nos. 79668 and 79669) is a single order granting a preliminary injunction in Department XI of the Eighth Judicial District Court. Although Department XI only included the Plaintiffs from district court case No. A-19-787004-B (which are the Respondents in Docket No. 79668) in its original order granting the preliminary injunction and later amended its order to add the Plaintiffs from district court case No. A-19-786962-B (which are the Respondents in Docket No. 79669), the Plaintiffs in district court case No. A-18-785818-W (which are the Respondents in Docket No. 79670) participated in the briefing and the hearing on the motion for preliminary injunction. NOR filed the appeal against those latter Plaintiffs out of an abundance of caution as NOR was unsure at the time of filing the notices of appeal whether those Plaintiffs were actually parties to the preliminary injunction order.

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After further review, NOR now agrees with this Court that the district court did not enter the order granting preliminary injunction in district court case No. A-18-785818-W, because it did not have jurisdiction over that case at the time it granted the preliminary injunction. NOR's appeal in Docket No. 79670 should, therefore, be dismissed, and NOR asks that the appeal be dismissed as unappealable.

Dated: May 4, 2020

DAVID R. KOCH  
KOCH & SCOW, LLC

/s/ David R. Koch  
Attorneys for Appellant Nevada  
Organic Remedies, LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing RESPONSE TO THE ORDER TO SHOW CAUSE was filed electronically with the Nevada Supreme Court on the 4<sup>th</sup> day of May, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Will Kemp and Nathanael R. Rulis  
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*Counsel for Respondents/Cross-Appellants,  
MM Development Company, Inc. and LivFree Wellness, LLC d/b/a  
The Dispensary*

Ketan D. Bhirud, Aaron D. Ford, Theresa M. Haar, David J. Pope, and Steven G. Shevorski  
**Office of the Attorney General**  
*Counsel for Respondent,  
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Margaret A. McLetchie, Alina M. Shell  
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GreenMart of Nevada NLV LLC*

/s/ Andrea W. Eshenbaugh  
Employee of Koch & Scow